

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: _____ DATE FILED: 4/22/2025
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
CAMILA RONCATTO PETRY, *on behalf of* :
herself, individually, and on behalf of all others similarly :
situated, :
:

Plaintiff, :

-against- :

AAM HOLDING CORP. *d/b/a* :
FLASHDANCERS GENTLEMEN'S CLUB, *et al.*, :

Defendants. :
----- X

GREGORY H. WOODS, United States District Judge:

1:22-cv-3110-GHW-SLC

ORDER

On April 3, 2025, Magistrate Judge Sarah L. Cave issued a Report and Recommendation recommending that the Court: (i) grant Defendants' motion to compel arbitration; (ii) deny Plaintiffs' request to sever the cost-splitting requirement from the arbitration agreement; (iii) stay this action pending arbitration; and (iv) deny without prejudice Defendants' motions to strike the class and collective allegations from the First Amended Complaint ("FAC") and to dismiss Plaintiffs Marmolejo and Tanaka from the case. Dkt. No. 96 (the "R&R").

A district court reviewing a magistrate judge's report and recommendation "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). Parties may raise specific, written objections to the report and recommendation within fourteen days of receiving a copy of the report. *Id.*; *see also* Fed. R. Civ. P. 72(b)(2). The R&R specifically stated that "FAILURE TO OBJECT WITHIN FOURTEEN (14) DAYS WILL RESULT IN A WAIVER OF OBJECTIONS" R&R at 17. The Court reviews for clear error those parts of a report and recommendation to which no party has timely objected. 28 U.S.C. § 636(b)(1)(A); *Lewis v. Zon*, 573 F. Supp. 2d 804, 811 (S.D.N.Y. 2008).

No objection to the R&R was submitted within the fourteen-day window. The Court has

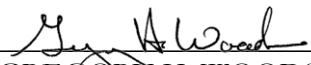
reviewed the R&R for clear error and finds none. *See Braunstein v. Barber*, No. 06 Civ. 5978 (CS) (GAY), 2009 WL 1542707, at *1 (S.D.N.Y. June 2, 2009) (explaining that a “district court may adopt those portions of a report and recommendation to which no objections have been made, as long as no clear error is apparent from the face of the record”). The Court, therefore, accepts and adopts the R&R in its entirety.

For the reasons articulated in the R&R, Defendants’ motions to compel arbitration of Plaintiffs’ claims, strike the class and collective allegations from the FAC, and dismiss Plaintiffs Marmolejo and Tanaka from the case is GRANTED IN PART. Defendants’ motion to compel arbitration is granted. Plaintiffs’ request to sever the cost-splitting requirement from the arbitration agreement is denied. This action is stayed pending arbitration. Defendants’ motions to strike the class and collective allegations from the FAC and dismiss Marmolejo and Tanaka are denied without prejudice.

The Clerk of Court is directed to terminate the motion pending at Dkt. No. 87 and to indicate a stay on the docket.

SO ORDERED.

Dated: April 22, 2025
New York, New York



GREGORY H. WOODS
United States District Judge